IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1943 OF 2005

Devendra Sudam Bankar ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.A.P. Mundargi with Mr. Sandesh Deshpande, for the Applicant.

Mr.V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

29th March 2005

P.C.:

. Heard Counsel for the parties. Learned A.P.P. fairly accepts that except the statement of Kisan Nalawade, there is no other material to indicate the complicity of the Applicant in the commission of the crime. Even accepting the statement of Kisan Nalawade as it is, it appears

that it refers to the incident which happened in the morning. However, the offence in question pertains to assault on the concerned persons in the evening at 5.30 p.m. by 100 to 200 residents of the village. The learned A.P.P. fairly accepts that there is no material on record available so far to indicate involvement of the Applicant, either directly or otherwise, in relation to the incident, which happened in the evening at 5.30 p.m. If it is so, in my opinion, the appropriate course is to dispose of this application by directing the investigating officer to give 72 hours' advance notice to the Applicant before he decides to arrest the Applicant on collecting further material to show involvement of the Applicant in the act of assault on the concerned persons in the evening at 5.30 p.m. In the meantime, the Applicant shall continue to co-operate for the purpose of investigation as and when called upon. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)